

ENTERED

August 06, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

K INVESTMENT, INC., *et al.*, §
§
Plaintiffs. §
§
VS. § CIVIL ACTION NO. 3:21-CV-00016
§
B-GAS LIMITED A/K/A/ BEPALO LPG §
SHIPPING, LTD, *et al.*, §
§
Defendants. §

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On April 1, 2021, Defendants' Motion to Vacate Rule B Attachment as to All Consolidated Actions, and Request for Expedited Relief ("Motion to Vacate") was referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(A). Dkt. 24. Judge Edison filed a memorandum and recommendation on June 4, 2021, recommending that the Motion to Vacate (Dkt. 15) be granted. *See* Dkt. 40.

On June 18, 2021, Plaintiffs filed their objections to the memorandum and recommendation.¹ *See* Dkt. 41. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the court may "accept, reject, or modify, in whole or in part, the findings or

¹ Bergshav Shipping AS filed a response to Plaintiffs' objections. *See* Dkt. 42. Plaintiffs moved to strike that response. *See* Dkt. 43. The motion to strike (Dkt. 43) is denied.

recommendations made by the magistrate judge." *Id.*; see also Fed. R. Civ. P. 72(b)(3).

The court has carefully considered the objections; the memorandum and recommendation; the pleadings; and the record. The court accepts Judge Edison's memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison's memorandum and recommendation (Dkt. 40) is approved and adopted in its entirety as the holding of the court;
- (2) The Motion to Vacate (Dkt. 15) is granted;
- (3) The substitute security (Dkt. 11) is released; and
- (4) This consolidated suit is dismissed for lack of jurisdiction.

SIGNED on Galveston Island this 6th day of August, 2021.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE